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EDUCATIONAL LAWS

AND

AMENDMENTS

PASSED BY THE

General Assembly of Georgia

Session of 1910

M. L. BRITTAIN

State School Commissioner

Georgia. Laws, statutes, etc.

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ATLANTA, GA.:
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ATLANTA, GA., August 20, 1910.

TO THE COUNTY SCHOOL COMMISSIONER:

Anticipating your desire for accurate information about the educational laws passed recently, I send you herewith complete text of those affecting the school of the State.

Very truly yours,

M. L. BRITTAIN,

State School Commissioner.

Feb. 25, 1911.
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TO ENABLE COUNTY BOARDS OF EDUCATION TO
BORROW MONEY.

An Act to be entitled an Act to allow County Boards of Education to borrow money to pay the salaries of the public school teachers of their counties when necessary to provide for the handling and payment of the money so borrowed, to provide for the keeping records of the money so borrowed and for making reports thereof, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of the same, That from and after the passage of this Act the County Boards of Education of the several counties of this State shall have the power and authority whenever they deem it necessary, to borrow a sufficient amount of money, and no more, to pay the salaries of the teachers in the public schools of their counties; *provided, however*, That no Board of Education shall have the right to borrow money to pay the salaries of the public school teachers of said county, for any time except the current school year in which it is so borrowed. *Provided*, That no Board of Education shall have authority under this Act to borrow a sum of money greater in the aggregate than the sum to which the county may be entitled from the public school fund.

SEC. 2. Be it further enacted that in order for any Board of Education to borrow money for the purpose hereinbefore stated there shall be passed by said Board a resolution authorizing said money to be borrowed in which resolution it shall be stated the amount of money to be borrowed, the length of time the same is to be used, the rate

of interest to be paid and for what purpose borrowed and from whom the same is to be borrowed, which resolution shall be by the County School Commissioner recorded on the minutes of the meetings of said Board of Education.

SEC. 3. Be it further enacted, That no money shall be borrowed for any longer time than is necessary and the same shall be paid back out of any funds coming into the hands of the County School Commissioner that can be legally applied to the payment of the same.

SEC. 4. Be it further enacted, That said Board of Education so borrowing money shall borrow the same at as low a rate of interest as possible and they are authorized to pay the interest on said money out of the public school fund for said county.

SEC. 5. Be it further enacted, That at the spring term of the Superior Court of each county in this State where money has been borrowed by the Board of Education under the provisions of this Act, the County School Commissioner, shall include in his report to the grand jury the amount of money so borrowed during the preceding year, from whom borrowed, the rate of interest paid, the date or dates the same was borrowed and when paid back.

SEC. 6. Be it further enacted, That after the resolution aforesaid has been passed by any Board of Education the President of the Board of Education together with the County School Commissioner shall have the right to execute a note or notes in the name of the Board of Education of said county for any money that is authorized to be borrowed, under the resolution passed by said Board of Education.

SEC. 7. Be it further enacted, That when any money shall be borrowed under the provisions of this Act the same shall be paid over to the County School Commissioner and become a part of the public school fund of said county and the same shall be by the County School Commissioner paid out to the teachers of said county and the County School Commissioner shall be responsible for any money borrowed under authority of this Act and paid into his hands in the same way and to the same extent that he is responsible for any other public school funds coming into his hands.

SEC. 8. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved July 15, 1910.

TO ALLOW MUNICIPALITIES TO HOLD LOCAL TAX ELECTION.

An Act to be entitled an Act to authorize a certain class of municipalities to hold an election to determine the question of local taxation for the support and maintenance of public schools, to prescribe the qualification of electors for such elections, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of Georgia, That any municipality authorized by law to establish and maintain a system of public schools by local taxation, in whole or in part, and which is not now specifically authorized to hold an election on the question of local taxation for school purposes "shall have the right to submit the question of local tax for public schools to the qualified voters of the municipality.

SEC. 2. Be it further enacted, That upon petition of one-fourth of the qualified voters of such municipality, the municipal authorities shall order an election to be held not earlier than twenty days and not later than forty days after receiving such petition. Notice of such election shall be published in a newspaper in the municipality at least once a week for two weeks before the election, or, if there be no such newspaper, then notice of such election shall be posted in at least three conspicuous places within the municipality ten days prior to the election.

SEC. 3. Be it further enacted, That those favoring local taxation for public schools shall have written or printed on their ballots "For local taxation for public schools," and those opposed shall have written or printed on their ballots "Against local taxation for public schools."

SEC. 4. Be it further enacted, That the returns of such election shall be made, and the result declared, as prescribed for other elections in and for the municipality. Two-thirds of those voting shall be necessary to carry the elections for local taxation. An election for the purpose herein named shall not be held oftener than once every twelve months.

SEC. 5. Be it further enacted, That all laws in conflict with this Act are hereby repealed.

Approved August 13, 1910.

TO ENABLE COUNTY BOARDS OF EDUCATION TO
FILL UNEXPIRED TERMS OF COUNTY SCHOOL
COMMISSIONER.

An Act to be entitled an Act to amend an Act approved Aug. 16, 1909, providing for the election of County School Commissioners by the people, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that Section 4 of said Act be amended by striking from Section 4 all the words thereof after the word "term" in the seventh line and substituting the words "and in such case the provisions of Section 2 hereof shall not apply, so that said Section as amended will read as follows: Section 4. Be it further enacted by the authority aforesaid, That in case of a vacancy caused by death, resignation, removal from office or from any cause whatsoever in the office of County School Commissioner in any county of this State, the County Board of Education shall elect a County School Commissioner for the unexpired term, and in such case the provisions of Section 2 hereof shall not apply."

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 15, 1910.

**PERSONS' CONSTITUTIONAL AMENDMENT TO
ALLOW TAX FOR HIGH SCHOOLS.**

An Act to be entitled an Act to amend Paragraph 2, Section 6, Article 7, of the Constitution of the State of Georgia by striking from said Paragraph 2, the following "In instructing children in the elementary branches of an English education only," and for other purposes.

SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by authority of the same, That Paragraph 2 of Section 6, Article 7 of the Constitution of this State be, and the same is hereby amended by striking from said Paragraph 2, Section 6, Article 7, the following words "in instructing children in the elementary branches of an English education only." So that when said Paragraph is amended it will read as follows: "The General Assembly shall not have power to delegate to any county the right to levy a tax for any purpose, except for educational purposes, to build and repair the public buildings and bridges; to maintain and support prisoners; to pay jurors and coroners, and for litigation, quarantine, roads and expenses of courts; to support paupers and pay debts heretofore existing."

SEC. 2. Be it further enacted, that whenever the above proposed amendment to the Constitution shall be agreed to by two-thirds of the members elected to each of the two Houses of the General Assembly and the same has been entered on their Journals with the ayes and nays taken thereon, the Governor shall cause said amendment to be published in at least two newspapers in each Congressional District in this State for the period of two months next preceding the time of holding the next general election.

SEC. 3. Be it further enacted, That the above proposed amendment shall be submitted for ratification or rejection to the electors of this State at the next general election to be held after publication, as provided in the second Section of this Act in the several election districts of this State, at which election every person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at said election in favor of adopting the proposed amendment to the Constitution shall have written or printed on their ballots the words: "For amendment of Paragraph 2, Section 6, Article 7, permitting counties to levy taxes for educational purposes," and all persons opposed to the adoption of said amendment shall have written or printed on their ballots the words "Opposed to amendment of Paragraph 2, Section 6, Article 7, permitting counties to levy taxes for educational purposes."

SEC. 4. Be it enacted, That the Governor be and he is hereby authorized and directed to provide for the submission of the amendment proposed in this Act to a vote of the people, as required by the Constitution of this State in Paragraph 1 of Section 1 of Article 13, and if ratified the Governor shall, when he ascertains such ratification from the Secretary of State to whom the returns shall be referred, in the manner as in cases of elections of members of the General Assembly, to count and ascertain the result, issue his proclamation for one insertion in one of the daily papers in this State, announcing such result and declaring the amendment ratified.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 4, 1910.

TO ALLOW LOCAL TAX DISTRICTS LAID OFF ACROSS COUNTY LINES.

An Act to be entitled an Act to amend an Act to amend an Act entitled "An Act to provide for the creation and operation of local tax district schools, and for levying and collection of local tax by districts or counties for educational purposes, for laying off of counties in school districts, and for other purposes," approved August 23, 1905, so as to provide for amending the caption, to provide a proper enforcement of the bill and for the election of district trustees, whether local tax is levied and collected or not, to provide a correct method of assessing and collecting the taxes in local districts, and for other purposes, by providing for the laying off of school districts in adjoining counties without regard to county lines; to provide for the collection of the school tax in such district and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by the authority of the same, That the Act approved August 21, 1906, entitled, "An Act to amend an Act entitled, 'An Act to provide for the creation and operation of local tax district schools, and for levying and collection of local tax by districts or counties for educational purposes, for the laying off of counties in school districts, and for other purposes,' approved August 23, 1905, so as to provide for amending the caption, to provide a proper enforcement of the bill and for the laying off of counties into districts of reasonable size, for the election of district trustees, whether local tax is levied and collected or not, to provide a correct

method of assessing and collecting the taxes in local districts, and for other purposes," be and the same is hereby amended by adding after the word "so" near the middle of the 17 line of Sec. 1, of said Act as amended as it appears in the published Acts of 1906, on page 66 of said published Acts, the following words, to-wit: "By concurrent consent and action, Boards of Education of two or more adjoining counties may lay off and define school districts without regard to county lines; *provided*, That the Board of Education of the county in which the school house is located shall have supervision of same, and *provided*, That the Ordinary of the county in which the school house is located shall order the election and *provided*, That the tax collector of each county from which territory has been cut, shall collect the school tax levied by the trustees of the school districts thus formed in the territory cut from his county, and shall pay the same when collected to the authorized officer of said board," so that said Section of said Act shall, when amended read as follows: "Section 1. Be it enacted by the General Assembly of Georgia, and it is hereby enacted by authority of the same, That within thirty days after the passage of this Act, or as soon thereafter as practicable, it shall be the duty of the County Board of Education of each county in Georgia, to lay off the county into school districts, the lines of which shall be clearly and positively defined by boundaries, such as creeks, public roads, land lines, district lines or county lines. The school districts thus marked out shall contain an area of not less than sixteen square miles, and where practicable, shall be so shaped as to have the school buildings as near the center as possible, and no territory shall be included whose occupants reside further than three miles from the school house without written petition of two-thirds of the qualified voters therein;

provided, That the board of education may have the right to establish districts with areas less than sixteen square miles where there are natural causes or local conditions that make it necessary to do so. By concurrent consent and action, boards of education of two or more adjoining counties may lay off and define school districts without regard to county lines; *provided*, That the Board of Education of the county in which the school house is located shall have supervision of same, and *provided*; That the Ordinary of the county in which the school house is located shall order the election and *provided*, That the tax collector of each county from which territory has been cut, shall collect the school tax levied by the trustees of the school district thus formed in the territory cut from his county, and shall pay the same when collected to the authorized officer of said board. The natural causes which will permit the creation of smaller districts are mountains, streams over which there are no bridges, and dangerous roads. Local conditions which will permit the creation of small districts must be determined by the Board of Education. "In counties having incorporated towns, now levying a local tax for educational purposes and operating a public school system under their town charter or special Act of the Legislature, the county Board of Education, with the consent of the municipal authorities, may create a school district larger than the incorporated limits of the town by adding adjacent territory not already included in the incorporated limits, and the district thus marked out shall become a school district upon the vote of the people as hereinafter provided, but such school district, including incorporated towns, having a population of four thousand or more, shall be and remain under the exclusive supervision and direction of the school boards of the previously chartered schools in said class of

incorporated towns and not under supervision of County Board of education, and the school boards of such chartered schools in incorporated towns shall be trustees of said school district under this Act; *provided, further*, That if there be located in such school districts a chartered school controlled by a board of stockholders or by directors elected by them, the management and control of said chartered school shall remain in them, and they shall have all the rights and privileges of this Act to collect local taxes as hereinafter provided in this Act, and to receive their share of the State public school fund. A map of the county thus laid off, plainly outlining the boundaries of the school district with full description thereof, shall be filed with the Ordinary within forty days after the passage of this Act, or as soon thereafter as practicable, and the boundaries of said school districts shall not be altered any oftener than two years. The County Board of Education, in laying off the county, shall disregard any school districts embracing territory not included in incorporated towns heretofore created by special Act of the Legislature. The failure of any County Board of Education to comply with the requirements of this Section within six months after the passage of this bill shall operate to annul their commissions, and vacancies thus created shall be filled as the law requires such vacancies to be filled.”

SEC. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved Aug. 15, 1910.

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